



IPW

## CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: August 29, 2005 Name: Andrew D. Stover Signature:

BRINKS  
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GILSON  
& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Caruso et al.

Appln. No.: 10/809,279

Filed: March 25, 2004

For: SEATING STRUCTURE HAVING  
FLEXIBLE SUPPORT SURFACE

Attorney Docket No: 3591/1378

Examiner: Unassigned

Art Unit: 3635

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

**Attached is/are:**

- Transmittal Letter; 2<sup>nd</sup> Supplemental Information Disclosure Statement; Form PTO-1449 and cited references C17, C19, C21-C22  
 Return Receipt Postcard

**Fee calculation:**

- No additional fee is required.  
 Small Entity.  
 An extension fee in an amount of \$\_\_\_\_ for a \_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
 A petition or processing fee in an amount of \$\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).  
 An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment	Minus	Highest No. Previously Paid For	Present Extra	Small Entity		Not a Small Entity		
					Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=			+ \$360=	
					Total	\$	Total	\$	

**Fee payment:**

- A check in the amount of \$\_\_\_\_ is enclosed.  
 Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
 Payment by credit card in the amount of \$\_\_\_\_ (Form PTO-2038 is attached).  
 The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Andrew D. Stover (Reg. No. 38,629)

8/29/05



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SURFACE

Attorney Docket No: 3591/1378

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**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicants hereby cite the following reference(s):

DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME
4,889,387	12/1989	Gregory
5,094,580	3/1992	Abe
5,318,348	6/1994	Hess
D377,431	1/1997	Stumpf et al.
5,662,383	9/1997	Hand
5,762,403	6/1998	Robinson
D485,097	1/2004	Raftery
D487,359	3/2004	Giugiaro
6,726,286	4/2004	Stumpf et al.
D489,191	5/2004	Ma
D489,541	5/2004	Su
D489,542	5/2004	Giugiaro
6,729,691	5/2004	Koepke et al.
D490,994	6/2004	Schmitz et al.
2005/0001464	1/2005	Caruso et al.
6,869,140	3/2005	White et al.

**OTHER ART**

1. "Aeron Chair", *Herman Miller*, 1995 (4 pages)
2. "IDEA" advertisement, *Intes USA*, High Point NC, date unknown (1 page)
3. International Preliminary Examination Report from PCT/US2002/00024, April 12, 2005 (4 pages)
4. "New! Bungie High Back Chair" advertisement, (source and date unknown)

5. Pearlman, C., "Made to Measure" *I.D.*, Sept. – Oct. 1994 (8 pages)
6. Zurowski, T., "Designers Rate...Herman Miller's Aeron Chair", *Interiors*, July 1995 (1 page)

Applicants are enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). Cited references C18 and C20 are not enclosed under 37 C.F.R. §1.98(d)(1) as they were provided in U.S. Patent Application Serial No. 09/897,153 (now U.S. Patent 6,726,285), which we are relying on for an earlier filing date under 35 U.S.C. 120. As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R. §1.98(a)(3). Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicants have calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

8/29/05  
Date

  
\_\_\_\_\_  
Andrew D. Stover (Reg. No.38,629)



FORM PTO-1449 <b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b> (use several sheets if necessary)	SERIAL NO. 10/809,279	CASE NO. 3591/1378
	FILING DATE March 25, 2004	GROUP ART UNIT 3635
	APPLICANT(S): Caruso et al.	

**REFERENCE DESIGNATION**      **U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER Number-Kind Code (if known)	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
C1	4,889,387	12/1989	Gregory		
C2	5,094,580	3/1992	Abe		
C3	5,318,348	6/1994	Hess		
C4	D377,431	1/1997	Stumpf et al.		
C5	5,662,383	9/1997	Hand		
C6	5,762,403	6/1998	Robinson		
C7	D485,097	1/2004	Raftery		
C8	D487,359	3/2004	Giugiaro		
C9	6,726,286	4/2004	Stumpf et al.		
C10	D489,191	5/2004	Ma		
C11	D489,541	5/2004	Su		
C12	D489,542	5/2004	Giugiaro		
C13	6,729,691	5/2004	Koepke et al.		
C14	D490,994	6/2004	Schmitz et al.		
C15	2005/0001464	1/2005	Caruso et al.		
C16	6,869,140	3/2005	White et al.		

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER Number-Kind Code (if known)	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)
C17	"Aeron Chair", Herman Miller, 1995 (4 pages)
C18	"IDEA" advertisement, Intes USA, High Point NC, date unknown (1 page)
C19	International Preliminary Examination Report from PCT/US2002/00024, April 12, 2005 (4 pages)
C20	"New! Bungie High Back Chair" advertisement, (source and date unknown)
C21	Pearlman, C., "Made to Measure" I.D., Sept. – Oct. 1994 (8 pages)
C22	Zurowski, T., "Designers Rate...Herman Miller's Aeron Chair", Interiors, July 1995 (1 page)

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609;  
Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.